

REMARKS/ARGUMENTS

Claims 27, 28, 30 to 33 and 36 to 46 remain in this application.

Claims 27 and 28 have been amended to improve definiteness. These claims now require that no portion of the gluing surfaces is perpendicular to the first major surface. As stated by the Examiner near the top of page 2 of the Advisory Action, dated December 17, 2003, in the parent application, "Winter discloses that the adhesive is applied to the entire edge 42 and 44 in figure 6 wherein the edges are both perpendicular where the core is and not perpendicular where the scarf joint is to the major surface."

Since the glued core surface is perpendicular to the first major surface, Winter does not teach or suggest the limitation of amended claims 27 and 28 that no portion of the gluing surface be perpendicular to the first major surface. Therefore, amended claims 27 and 28 are not obvious over MacLane et al. in view of Winter and claims 27 and 28, and claims 30 to 33 and 39 to 46, dependant directly or indirectly thereon are allowable.

Claim 37 has been amended to improve definiteness, requiring the seams to run the width of the roll. Support for the amendment to claim 37 is found at page 16, lines 15 and 16, of the Specification. Claim 37 was rejected in the parent application for being obvious over MacLane et al. in view of Winter. Winter teaches a bowed roof structure that cannot be rolled. MacLane et al. teach composite vinyl strips that are seamed longitudinally and formed into a roll.

There is no teaching or suggestion in MacLane et al. to form a roll with the seams running the width of the roll as required by amended claim 37. Therefore, claims 37 and 38, which depends on claim 37, are allowable over MacLane et al. in view of Winter.

Claims 27, 36, 38, 40, 43 and 46 have been amended to require the seamless wear layer and/or the seamless top coat layer to be resilient. Support for this amendment is found at page 2, lines 2 to 5, of the specification. ASTM F141-91, a copy of which is enclosed for the Examiner's convenient reference, defines resilient flooring to exclude a textile wearing surface, i.e. a carpet. Therefore, Pacione, which is directed to a carpet, is not relevant prior art and claims 27, 36, 38, 40, 43 and 46 are allowable over MacLane et al. in view of Winter further in view of Pacione.

For the reasons discussed above, it is believed that the present claims are allowable. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in the application.

Respectfully submitted,

3/2/04
Date

Douglas E. Winters
Douglas E. Winters
Reg. No. 29,990
Attorney for Applicants

Armstrong World Industries, Inc.
P.O. Box 3001
Lancaster, PA 17604
(717) 396-4070 (Telephone)
(717) 396-6121 (Facsimile)

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April J. Fiedler



Standard Terminology Relating to Resilient Floor Coverings¹

This standard is issued under the fixed designation F 141; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reappraisal. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reappraisal.

This standard has been approved for use by agencies of the Department of Defense. Consult the DoD Index of Specifications and Standards for the specific year of issue which has been adopted by the Department of Defense.

abrasion—a form of wear, in which a gradual removal of a flooring surface is caused by the frictional action of relatively fine hard particles. (1971)

asphalt tile—a floor surfacing unit composed of thermoplastic binder, asbestos fibers, mineral fibers, and pigments. The binder is essentially asphalt or hydrocarbon resins, or both, of coal tar and petroleum origin compounded with suitable plasticizers and stabilizers. (1972)

below-grade—a location for a floor structure which is in contact with the ground or with less than 18 in. of well ventilated space between the lower side of the floor and the ground, in which part or all of the floor is below ground level.

cork tile—a floor surfacing unit made from natural cork, thoroughly and uniformly bonded together. (1972)

cushioned vinyl flooring—any of the vinyl sheet floor coverings in which a foam layer is incorporated as part of the product thickness. (1974)

dimensional stability—the ability of a resilient flooring to retain its original dimensions during the service life of the product.

Discussion—This property is usually measured by: (1) *temperature-induced dimensional change*—the alteration in linear dimensions as a result of exposure to a significant variation in temperature followed by a return to original conditions; or (2) *moisture-induced dimensional change*—the alteration in linear dimensions as a result of exposure to a significant variation in moisture. (1977)

flexibility—that property of a resilient flooring which allows it to be deformed by bending or rolling without cracking, breaking or showing other permanent defects. (1972)

gouge—a form of wear, consisting of a wide groove deformation accompanied by material removal and penetrating a considerable distance below the immediate flooring surface. (1971)

homogeneous vinyl flooring—a floor surfacing unit in sheet or tile form composed of vinyl plastic binder and pigments with or without mineral fillers. The vinyl plastic binder is an essentially poly(vinyl chloride) resin, or a poly(vinyl chloride) copolymer resin compounded with suitable plasticizers and stabilizers. (1974)

inlaid sheet flooring—a floor surfacing material in which the pattern is formed by colored areas that extend from the

surface through to a backing, and that are bonded together and to the backing. (1974)

latex patching compound—a patching or leveling compound consisting of a latex (usually SBR rubber), portland cement and aggregate that is moisture, mildew and alkali resistant.

linoleum—a floor surfacing material composed of oxidized linseed oil, fossil, or other resins or rosin, or an equivalent oxidized oleoresinous binder, mixed with ground cork or wood flour, mineral filler and pigments, bonded to a burlap fiber or other suitable organic backing. It is made in either sheet or tile form. (1972)

machine direction—the direction in which a product moves through the manufacturing process. A specimen of resilient flooring is in the machine direction when it is aligned to be parallel to the direction in which it was processed.

polymeric poured (seamless) floors—a floor covering composed of polymeric material applied to the substrate in a liquid form alone, or in combination with mineral or plastic chips, pigments, desiccants, or fillers, which convert(s) to a thick built-up covering. (1973)

printed sheet vinyl flooring—a floor surfacing material in which the pattern is printed on a backing and protected with a wear layer of transparent or translucent vinyl plastic. (1974)

resilient flooring—an organic floor surfacing material made in sheet or tile form or formed in place as a seamless material of which the wearing surface is non-textile. The resilient floor covering classification by common usage includes, but is not limited to asphalt, cork, linoleum, rubber, vinyl, vinyl asbestos, and polymeric poured seamless floors. Resilient in this sense is used as a commonly accepted term, but does not necessarily define a physical property. (1972)

rotovinyl—a printed sheet vinyl flooring in which the pattern is printed by a rotogravure process. See also printed sheet vinyl flooring. (1974)

rubber flooring—a floor surfacing material in tile or sheet form, consisting of compounded natural rubber or synthetic rubber, or both, in combination with mineral fillers and pigments. (1972)

scratching—a form of wear, in which a minute groove-like break in a flooring surface is made by a rubbing contact with a tool or particle, the total deformation being confined to the most immediate surface level. (1971)

scuff—a form of wear, in which a mark, gall, roughness or other damage is caused by the rubbing of traffic bodies against a flooring surface and may involve deposition of a foreign material onto the flooring surface. (1971)

¹ These definitions are under the jurisdiction of ASTM Committee F-6 on Resilient Floor Coverings, and are the direct responsibility of Subcommittee F6.02 on Nomenclature.

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sheet, resilient flooring—flexible resilient flooring, packaged in roll form, in which the length substantially exceeds the width.

Discussion—Sheet flooring is usually manufactured in widths of 6 to 15 ft. with rolls being up to 150 ft. long to allow seamless installation in small rooms and minimize seams in large rooms.

solid vinyl flooring—See homogeneous vinyl flooring. (1974)

solid vinyl (homogeneous) tile—a resilient floor covering composed of binder, fillers, and pigments compounded with suitable stabilizers and processing aids. The binder consists of one or more polymers or copolymers of vinyl chloride and plasticizers which comprise at least 34 % by weight of the tile. The polymers or copolymers of vinyl chloride comprise at least 60 % of the weight of the binder.

subfloor—that structural layer intended to provide support for design loadings which may receive resilient floor coverings directly if the surface is appropriate or indirectly via an underlayment if its surface is not suitable. (1983)

subfloor underlayment—a structural floor system in which the upper surface is designed and constructed for the direct installation of resilient floor coverings.

terrazzo—a mosaic flooring made by embedding marble, onyx, granite, or glass in portland cement which is poured in place, then polished.

tile, resilient flooring—resilient flooring which is packaged in flat pieces which can be installed as individual units.

Discussion—Tiles are usually square, with sides of 9 to 24 in.; most

commonly 12 by 12 in. They can also be long and narrow, such as 4 by 36 in. (sometimes called "plank").

underlayment—that layer of material usually installed on or over a subfloor that provides a surface suitable to receive resilient floor coverings. (1983)

vinyl asbestos tile—a floor surfacing unit composed of vinyl plastic binder, asbestos fibers, mineral fillers, and pigments. The vinyl plastic binder is an essentially poly(vinyl chloride) resin or a poly(vinyl chloride) copolymer resin compounded with suitable plasticizers and stabilizers. (1972)

vinyl composition tile—a resilient floor covering composed of binder, fillers, and pigments. The binder shall consist of one or more resins of poly(vinyl chloride), or vinyl chloride copolymers, or both, compounded with suitable plasticizers and stabilizers. Other polymeric resins may be incorporated as part of the binder.

wear—the accumulative and integrative action of all the deleterious mechanical influences encountered in use which tend to impair a material's serviceability. Such influences include, but are not limited to abrasion, scratching, gouging and scuffing. (1971)

wear layer—the portion of a resilient floor covering that contains or protects the pattern effect. The wear layer does not include temporary finishes or maintenance coatings. (1979)

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